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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,893	11/09/2001	Anthony David Smith	Q65785	9198

7590

10/12/2006

Sughrue Mion
2100 Pennsylvania Avenue NW
Washington, DC 20037-3213

EXAMINER

MULLEN, THOMAS J

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/890,893	SMITH ET AL.	
	Examiner	Art Unit	
	Thomas J. Mullen, Jr.	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 8-13 is/are rejected.
- 7) ☒ Claim(s) 3 and 5-7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. The indicated allowability of claims 1, 2, 4 and 8-13 is withdrawn in view of the newly discovered reference(s) to Daigneault et al (US 2002/29349) and Duhamel et al (US 5541585). (Daigneault et al, US 2002/29349, is equivalent to Daigneault, US 6374356, of record.) The delay in setting forth the rejection(s) is regretted. Rejections based on the newly cited reference(s) follow.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 2, 4, 8, 9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Daigneault et al (US 2002/29349).

Daigneault et al discloses an "access control" device (Title), note:
electronic identification means (card reader 324 in Fig. 3--paragraph 0041, line 22); and
audio communications device (intercom 327 in Fig. 3--paragraph 0041, lines 23-24);
wherein the electronic identification means and audio communications device are
included in a "single unit" (local control device 330 in Fig. 3--paragraph 0041, lines 12-13) and
are configured to use the same communications cable (cable 305 in Fig. 3, which connects local
control device 330 to a dedicated services processor (DSP) 300, see paragraph 0041) to control
access to a physical area or region (Abstract, paragraph 0001, etc.).

Regarding claim 2, the electronic identification means is in the form of a "card reader"
(324) as mentioned above.

Regarding claim 4, the audio communications device is in the form of an "intercom"
(327) as mentioned above.

Regarding claim 8, the audio communications device is "bi-directional", i.e. an
intercom is a bi-directional device by definition.

Regarding claim 9, Daigneault et al further discloses a "control system", note
"Controller" 310 in Fig. 3, which incorporates an access control device (the combination of
elements discussed above).

Regarding claim 11, Daigneault et al further discloses a "monitoring system" which
incorporates an access control device (the combination of elements discussed above). Note in

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Fig. 3, "Controller" 310; "sensors" 321,322; warning device 325; video camera 328; and portable memory devices 340-348, which together clearly define a "monitoring system".

4. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Duhamel et al (US 5541585).

Duhamel et al discloses an "access control" device (Title), note:

electronic identification means (fixed transceiver 16, Figs. 1 and 3, which will unlock a door (Fig. 1) when a valid response code is received from a portable transceiver 18--see col. 4, lines 20-26; col. 4, lines 38-54; col. 5, lines 5-13);

audio communications device (intercom 26, Figs. 1 and 3) wherein the electronic identification means (16) and the audio communications device (26) are configured to access a common physical communications system (i.e., intercom 26 is connected to the transceiver 16--Fig. 3);

wherein the access control device controls access to a physical area or region (i.e. access is provided through the door of Fig. 1); and

wherein the audio communications device includes the ability to play pre-stored audio clips (col. 5, lines 42-47: "intercom speaker 28 (Fig. 1) may also be used to broadcast a prerecorded message upon activation of the presence detector 14 (Figs. 1-2)").

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daigneault et al.

The examiner takes Official Notice that one skilled in the art, given the "control system" and/or "monitoring system" taught by Daigneault et al as discussed in paragraph 3 above, would

readily know and understand a "method for installing" such a system in a particular environment, such that "installing an access control device" would have been obvious to one of ordinary skill.

7. NOTE: The following rejection under 35 U.S.C. 103(a) is based on a slight modification of the interpretation of the teachings of Daigneault et al (US 2002/29349), as discussed in paragraph 3 above; i.e., although it is considered inherent in Daigneault et al that "local control device" 330 in Fig. 3 may be construed as a "single unit" which "includes" both card reader 324 and intercom 327, it is further considered that it would have been clearly obvious to one of ordinary skill in the art to incorporate an electronic identification means and an audio communications device into a "single unit".

8. Claims 1, 2, 4, 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daigneault et al (US 2002/29349), further in view of Williams (US 4581634, of record).

Daigneault et al discloses an "access control" device (Title), note electronic identification means (card reader 324 in Fig. 3--paragraph 0041, line 22); and audio communications device (intercom 327 in Fig. 3--paragraph 0041, lines 23-24); wherein the electronic identification means and audio communications device are connected to a local control device 330 (Fig. 3) and are configured to use the same communications cable (cable 305 in Fig. 3, which connects local control device 330 to a dedicated services processor (DSP) 300, see paragraph 0041) to control access to a physical area or region (Abstract, paragraph 0001, etc.). Daigneault et al shows (Fig. 3) the electronic identification means (CR) and audio communications device (IC) as part of the same control device, however Daigneault et al does not specifically state that the identification and audio devices are in "a single unit".

Note in Williams (Figs. 1-2, the Abstract, and col. 3, line 50 to col. 4, line 53), electronic identification means (note "face badge reader" 10,46,52,54), and audio communications device ("two-way speaker" 56), which are included in a "single unit" (enclosure 12); these elements are part of a physical communications system, note physical area/region access control devices (i.e. building entrance enclosure 18, having doors 20,22 and respective solenoid-operated door strike mechanisms 24,25, for "controlling access to (a) pre-determined area, such as a building interior"--col. 4, lines 2-3), and central wiring 11 (Figs. 1 and 3). Williams stresses using

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"minimal wiring connections" in his system, col. 2, lines 5-9 and col. 3, lines 8-10, to overcome the problems associated with having "individual wires...connected between each control device (e.g. 10 or 26)...and the central control unit (14,16)"--col. 1, lines 55-59.

In view of Williams, it would have been obvious to one skilled in the art to provide a single unit having both the electronic identification means and the audio communications device in the system of Daigneault et al so as to simplify the installation of the system and to occupy a smaller area when installing the device, where each of Daigneault et al and Williams are directed to simplifying the wiring and minimizing costs of an access control device (note the Abstract, lines 8-11 in Daigneault et al; col. 2, lines 5-9 and col. 3, lines 8-11 in Williams).

Claims 2, 4, 8, 9 and 11 are rejected as set forth in paragraph 3 above.

9. Claims 3 and 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. This Office action is non-final.

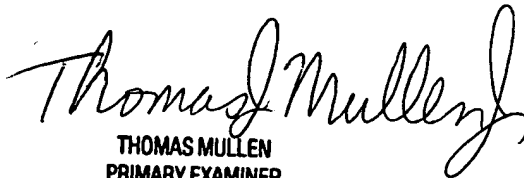
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJM


THOMAS MULLEN
PRIMARY EXAMINER
AU 2612